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Lynne Finley
District Clerk
Collin County, Texas
By Tatiana Ortega Deputy
Envelope ID: 46015310

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NO. 417-53803-2020

IN THE INTEREST OF	§	**IN THE DISTRICT COURT**
	§	
S.L., J.L. AND L.L.	§	**417TH JUDICIAL DISTRICT**
	§	
CHILDREN	§	**COLLIN COUNTY, TEXAS**

MOTION TO DISMISS ALL CAUSES OF ACTION TO ENJOIN SPEECH UNDER CHAPTER 27, TEXAS CIVIL PRACTICE & REMEDIES CODE

AND

MOTION TO VACATE EMERGENCY ORDER FOR INJUNCTION PROHIBITING COMMUNICATIONS OR OTHER DISSEMINATION OF INFORMATION REGARDING THE PARTIES, PARTICIPANTS AND SUBJECT MATTER OF THIS CASE

AND

MOTION TO CLARIFY MEMORANDUM ORDER OF SEPTEMBER 2, 2020

This *Motion to Dismiss All Causes of Action to Enjoin Speech Under Chapter 27, Texas Civil Practice & Remedies Code, Motion to Vacate Emergency Order for Injunction Prohibiting Communications or Other Dissemination of Information Regarding the Parties, Participants and Subject Matter of this Case, and Motion to Clarify Memorandum Order of September 2, 2020* is brought by Michael Long, Petitioner, who shows in support:

I.
Background

1. On August 14, 2020, Respondent/Mother filed the *Application and Affidavit for Temporary Restraining Order and Temporary Injunctions*, wherein she requested that the Court enjoin Petitioner/Father Michael Long from, "[p]osting or publicizing the children, Respondent or this case on social media and that previous posts made be removed immediately." A true and correct copy of the pleading is attached hereto and incorporated herein for all purposes as "Exhibit A."

2. On August 28, 2020, former Amicus attorney Rachel Li file a *Motion to Modify Temporary Orders*, wherein she requested the Court issue an order, "[p]rohibiting Petitioner, Father and Respondent, Mother from posting videos and photographs of the children on the internet, social media, or other media outlets during the pendency of the case." A true and correct copy of the pleading is attached hereto and incorporated herein for all purposes as "Exhibit B."

3. On August 31, 2020, former Amicus attorney Rachel Li filed her *Motion for Injunction Prohibiting Communications or Other Dissemination of Information Regarding the Parties, Participants and Subject Matter of this Case* ("*Motion for Injunction*"), attached hereto and incorporated herein as "Exhibit C." The *Motion for Injunction* seeks a "gag order" against Petitioner, Michael Long, to prevent "imminent and irreparable harm to the judicial process" that will "deprive the litigants of a just resolution of this case."

4. The *Motion for Injunction* makes the following conclusory allegations, without supporting evidence or affidavits:

a. "Petitioner's and/or his agent's statements are meant to incite violence…." The alleged "agents" of Petitioner are not identified. No agency relationship between Petitioner and any other individual is established. No specific statement of Petitioner is identified which is alleged to incite violence. The Motion does generally allege that "[a]gents of Petitioner are calling for people to join protests and a 'manhunt' to bring 'justice' to S.L. Some posts go so far as to say that ammunition is available, and that people should protest at Respondent's home." These are not statements of Petitioner himself, and no evidence supports any agency relationship between any online poster making such statements. The statements themselves are not offered into evidence.

b. "Petitioner's website and social media campaign places a chilling effect on any

witness who would come forward to testify as to the best interest of the child." No such potential witnesses are identified, and no specific instance or fact supporting this allegation is plead. The conclusory allegation appears to be mere speculation or conjecture. The Motion fails to explain how this allegation constitutes "imminent and irreparable harm to the judicial process."

c. "Petitioner has created a hostile environment in which professionals are reluctant to treat the children in this case because of the likelihood of libel and slander being propagated against them by Petitioner and his agents." The allegation does not identify any prior speech by Petitioner which is alleged to be libelous or slanderous, instead only speculating about future speech by Petitioner. No statements of Petitioner have been adjudicated libelous or slanderous, nor has any party asserted a cause of action against Petitioner for libel or slander. The allegation does not identify any single professional for whom this may be the case, nor does the Motion explain how this allegation constitutes "imminent and irreparable harm to the judicial process."

d. "Petitioner's libelous statements have placed the children's best interest in danger, tainted the jury pool, and created a danger to the Court and professionals working in the case." No statements of Petitioner had been adjudicated as libelous as of the filing of the Motion for Injunction, nor since the entry of an order thereon. No pleading has even alleged a cause of action for liable against Petitioner. No specific facts were offered in the Motion or otherwise to support a conclusion that the jury pool is tainted. As of the filing of the Motion for Injunction, no party had even filed a jury demand. No jury demand has been filed as of the filing of this Motion.

e. The Motion for Injunction refers throughout to "Agents of Petitioner" but fails to identify any such alleged agents, nor plead or attempt to support with facts any agency relationship between Petitioner and any other online poster or individual whose speech is allegedly at issue.

5. On that same date, without the requisite minimum three-day's notice and concurrently with Petitioner's counsel withdrawing, the Court granted the Motion and entered the *Emergency Order for Injunction Prohibiting Communications or Other Dissemination of Information Regarding the Parties, Participants and Subject Matter of this Case,* attached and incorporated herein verbatim as "Exhibit D" ("Emergency Order for Injunction").

6. Thereafter on September 2, 2020, the Court *sua sponte* issued a Memorandum Order, a true and correct copy of which is attached hereto as "Exhibit E." The Memorandum Order alleges inaccurately that "[b]oth parties agreed on record during the August 31, 2020, hearing, to remove all video, audio and name identification containing the children subject of this suit, from all platforms and social media."

7. At no time did Petitioner, Michael Long make such an agreement. As of the filing of this Motion, Michael Long is not in agreement.

II.
Arguments and Authority

Motion to Dismiss All Causes of Action to Enjoin Speech Under Chapter 27, Texas Civil Practice & Remedies Code

1. The *Motion for Injunction* and *Motion to Modify Temporary Orders* were filed by the former Amicus attorney, who has now been removed from this matter. There is now no party or counsel to pursue and prosecute the *Motion for Injunction* or *Motion to Modify Temporary Orders*, and these Motions should be dismissed on that basis.

2. The *Motion for Injunction* and *Motion to Modify Temporary Orders* filed by former Amicus attorney, as well as the *Application and Affidavit for Temporary Restraining Order and Temporary Injunctions*

filed by Respondent/Mother, constitute legal action based on or in response to Petitioner/Father's exercise of the right of free speech, right to petition, or right of association, and/or arises from any act of Petitioner/Father in furtherance of Petitioner/Father's communication. TEX. CIV. P. REM. CODE § 27.003(a). In this Motion, these pleadings will be collectively referred to as "Causes of Action to Enjoin Speech."

3. The Causes of Action to Enjoin Speech are also legal action against the exercise of the right of free speech, right to petition, or right of association by and on behalf of the children the subject of this suit, who are the alleged victims of offenses under Chapter 21 of the Texas Penal Code. As such, they are not excluded from actionability under Chapter 27 of the TEXAS CIVIL PRACTICE AND REMEDIES CODE. TEX. CIV. P. REM. CODE § 27.010(c).

4. The Causes of Action to Enjoin Speech specifically seek to enjoin Petitioner/Father's exercise of the right of free speech, exercise of the right to petition, and/or exercise of the right of association, as those terms are defined in Section 27.001(2)-(4) of the TEXAS CIVIL PRACTICE AND REMEDIES CODE.

5. The Causes of Action Against Speech are legal action, as that term is defined in Section 27.001(6) of the TEXAS CIVIL PRACTICE AND REMEDIES CODE.

6. The communications sought to be enjoined in the Causes of Action Against Speech relate to a matter of public concern, as that term is defined in Section 27.001(7) of the TEXAS CIVIL PRACTICE AND REMEDIES CODE.

7. This *Motion to Dismiss All Causes of Action Against Speech Under Chapter 27, Texas Civil Practice & Remedies Code* ("Motion to Dismiss") is filed not later than the 60th day from the date of service on Petitioner/Father of the Causes of Action Against Speech, and is therefore timely. TEX. CIV. P. REM. CODE § 27.003(b).

8. By the filing of this *Motion to Dismiss*, all discovery in this legal action is suspended until

the Court has ruled on this Motion. TEX. CIV. P. REM. CODE § 27.003(c). Petitioner/Father asks this Court to lift the automatic suspension to allow him to continue to conduct written discovery and depositions and to issue subpoenas.

9. This Court is mandated to dismiss the Causes of Action Against Speech because it can be demonstrated both on the face of the Causes of Action Against Speech themselves and/or from evidence to be offered by Petitioner/Father that the Causes of Action Against Speech are based on or are in response to Petitioner/Father's exercise of the right of free speech, the right to petition, and/or the right of association.

10. The party bringing the *Motion for Injunction* and the *Motion to Modify Temporary Orders* cannot establish by clear and specific evidence a *prima facie* case for each essential element of the claims in question, firstly because the former Amicus attorney has been removed from this suit and therefore cannot prosecute the Motions or respond to this *Motion to Dismiss*, and secondly because no such *prima facie* case exists for the injunction sought against Petitioner/Father.

11. Respondent/Mother has not and cannot present clear and specific evidence to support a p*rima facie* case for each essential element of her requested injunctive relief against Petitioner/Father.

12. It was necessary for Petitioner/Father to retain Jamie Graham and Eric Groce of JAMIE GRAHAM & ASSOCIATES, PLLC and of counsel Sarah Anne Lishman of LISHMAN LAW, PLLC to prepare and prosecute this *Motion to Dismiss* and defend against the Causes of Action Against Speech. In the event that this Court grants this *Motion to Dismiss*, Petitioner/Father requests that this Court award him all reasonable attorney's fees incurred in defending against the Causes of Action Against Speech as a judgment in favor of Michael Long, Petitioner/Father and against Kelly Long, Respondent/Mother and Rachel Li, former Amicus attorney, as mandated by Section 27.009(a) of the TEXAS CIVIL PRACTICE AND REMEDIES CODE.

13. Petitioner/Father prays, after notice and hearing, that this Court grant his *Motion to*

Dismiss and dismiss all Causes of Action Against Speech brought by the former Amicus attorney and by Respondent/Mother in this suit, and for his reasonable attorney's fees incurred for same. Petitioner/Father prays for all other and further relief to which he may be entitled at law or in equity.

Motion to Vacate Emergency Order For Injunction Prohibiting Communications Or Other Dissemination of Information Regarding The Parties, Participants and Subject Matter of This Case

14. "Every person shall be at liberty to speak, write or publish his opinions on any subject, being responsible for the abuse of that privilege; and no law shall ever be passed curtailing the liberty of speech or of the press." TEX. CONST. art. I, § 8.

15. Pre-speech sanctions or so-called "prior restraints" refer to orders such as the Emergency Order For Injunction which forbid communications before such communications occur. The following orders constitute prior restraints in the Emergency Order For Injunction:

> **IT IS ORDERED** that Michael Jon Long, his attorneys and agents are **RESTRAINED** and **ENJOINED** from the following acts:
>
> 1. Posting and/or publicizing videos and photographs of the children, S.L, J.L., and L.L., who are the subjects of this suit, on the internet/world wide web, social media, other media broadcast or publicity platforms, or causing same to be posted or publicized.
>
> 2. Posting and/or publicizing statements or language that is intended to intimidate or may cause violence toward a party, witness, professional, attorney, or judicial officers in this case.
>
> 3. Posting and/or publicizing the names and personal information of the parties, witnesses, professionals, attorneys, and judicial officers in this suit.
>
> 4. Posting and/or publicizing any statement allegedly made by a child related to abuse by any person associated with this suit.
>
> 5. Making any libelous or slanderous statement regarding the parties, witnesses, professionals, attorneys, and judicial officers in this suit.

16. The Emergency Order for Injunction violates Article I, Section 8 of the Texas Constitution and the First Amendment to the United States Constitution.

17. It is well settled that injunctive relief is not an available remedy for defamation. *Kinney v. Barnes*, 443 S.W.3d 87, 95 (Tex. 2014).

18. It is well settled that prior restraints on speech and publication are considered the most serious and least tolerable infringement on First Amendment rights. *Neb. Press Ass'n v. Stuart*, 427 US 539, 559, 96 S.Ct. 2791, 49 L.Ed.2d 683 (1976). The Texas Supreme Court held "So great is our reticence to condone prior restraints that we refuse to allow even unprotected speech to be banned if restraining such speech would also chill a substantial amount of protected speech." *Kinney v. Barnes*, 443 S.W.3d at 89.

19. Prior restraints are presumptively unconstitutional. *Davenport v. Garcia*, 834 S.W.2d 4, 9 (Tex.1992); *see also Ex parte Tucker*, 110 Tex. 335, 220 S.W. 75, 76 (1920).

20. A "gag order" such as the Emergency Order For Injunction, should only be issued if supported by evidence of (1) an imminent and irreparable harm to the judicial process will deprive litigants of a just resolution of their dispute, and (2) the judicial action represents the least restrictive means to prevent that harm. *Davenport*, 834 S.W.2d at 10; *accord Marketshare Telecom, LLC v. Ericsson, Inc.*, 198 SW3d 908, 917 (Tex.App.—Dallas 2006, no pet.). In announcing this two-prong test, the *Davenport* court wrote, "We are fully aware that a prior restraint will withstand scrutiny under this test only under the most extraordinary circumstances. That result is consistent with the mandate of our constitution recognizing our broad right to freedom of expression in Texas. An individual's rights under the state constitution do not end at the courthouse door; rather, the courthouse is properly the fortress of those rights." *Davenport*, 834 S.W.2d at 10.

21. The first requirement requires actual evidence of severe harm, and the harm at issue must be to the judicial process. In other words, the first requirement cannot be satisfied merely by a

finding that the gag order is in the "best interest of a child," or that future speech may be harmful to a child.

22. The second part of the test requires the Court to consider other, less restrictive means as alternatives prior to issuing a gag order.

23. Finally, the order must make "specific findings supported by the evidence." *Davenport,* 834 S.W.2d at 10.

24. No evidence was introduced at the hearing that would support either prong of the test, and the argument was largely conjecture and speculation. Because no specific evidence was offered and accepted into evidence to show an imminent and irreparable harm to the judicial process, nor how such harm will deprive litigants of a just resolution of their dispute, the Order must be vacated.

25. Further, because no specific evidence was offered and accepted into evidence to additionally support that the Order is the least restrictive means to remedy the harm, the Order must be vacated.

26. The Emergency Order for Injunction does recite certain findings. These findings are all conclusory and speculative in nature, *ipse dixit* conjecture by the Amicus and Respondent/Mother's counsel, not specific or evidence-based as required to support a gag order. Most of the recited findings do not even attempt to reference the actual legal standard required to be satisfied in order to issue such an order. The findings recited in the Order fall short of satisfying the two-prong test at issue, as follows:

a. "The Court FINDS that Petitioner and his agents have created extensive publicity surrounding this case." This finding merely states that Petitioner and others are exercising their constitutionally protected right to free speech.

b. "The Court FINDS that the out-of-court statements relating to the investigation and pre-trial matters of this cause pose a serious and imminent threat to the

children's emotional health and physical wellbeing…." This finding is vague and conclusory, not specific, as required. The finding is not supported by evidence. Harm to children is not tantamount to harm to the judicial process. The finding does not in of itself satisfy any portion of the two-prong test.

c. "The Court FINDS that the out-of-court statements relating to the investigation and pre-trial matters of this cause pose a serious and imminent threat to the children's … rights to a fair trial…." This finding is vague and conclusory, not specific, as required. The finding is not supported by evidence. The finding does not in of itself satisfy any portion of the two-prong test. Harm to children is not tantamount to harm to the judicial process. The finding fails to specify how the out-of-court statements pose any threat to a child's right to a fair trial. The Court in subsequent hearings has affirmatively negated this finding by stating on the record that she will not be influenced by the public commentary on the internet regarding this case. *Motion for Continuance Hearing*, Sept. 3, 2020.

d. "The Court FINDS that the out-of-court statements relating to the investigation and pre-trial matters of this cause pose a serious and imminent threat … to the ability of the court to maintain a fair and impartial jury…." This finding is vague and conclusory, not specific, as required. The finding is not supported by evidence. The finding does not in of itself satisfy any portion of the two-prong test, when considering that no one had filed a jury demand at the time, nor has a jury demand been filed since. Further, the finding fails to specify how the out-of-court statements pose any particular threat to a fair and impartial jury.

e. "The Court FINDS that the out-of-court statements relating to the investigation and pre-trial matters of this cause pose a serious and imminent threat … to the

fair administration of justice." This finding is vague and conclusory, not specific, as required. The finding is not supported by evidence. Further, the finding fails to specify how the out-of-court statements pose any particular threat to fair administration of justice. The Court in subsequent hearings has affirmatively negated this finding by stating on the record that she will not be influenced by the public commentary on the internet regarding this case. *Motion for Continuance Hearing*, Sept. 3, 2020.

f. "The Court FINDS that Petitioner and/or his agents have created a hostile environment that incites violence against Respondent, the Court, the attorneys, and professionals in the case, which is directly harmful to the children's physical and emotional wellbeing." This finding is vague and conclusory, not specific, as required. The finding is not supported by evidence. There is no evidence of any statement or act by Petitioner himself intended to or that did in fact incite violence. There is no evidence of an agency relationship between Petitioner and any other individual who is alleged to have made a statement intended to or that did in fact incite violence. Harm to emotional well-being of children does not satisfy the two-prong test, which mandates a showing of harm to the judicial process.

g. "The Court FINDS that other, less restrictive means will not adequately protect the children's physical and emotional wellbeing and their rights to a fair and impartial jury." This finding is vague and conclusory, not specific, as required. The finding is not supported by evidence. There is no evidence that the Court even attempted to consider any other, less restrictive means to address the allegations of harm. There is no evidence that any party or their counsel was asked to even propose any alternative, less restrictive means. On information and belief,

the Court merely accepted and signed the proposed Order in the form tendered by the Amicus attorney.

27. No arguments were made nor evidence presented to support an agency relationship between Petitioner/Father and any other individual exercising their own rights to free speech. The Motion attempts to conflate the statements of others as the speech of Petitioner/Father, but there is simply no support for such a finding.

28. The Emergency Order for Injunction further requires Petitioner/Father to take affirmative measures to "remove all statements by a child who is a subject of this suit, video recordings, audio recordings, and photographs of the children relating to or referring to any outcry of abuse by a child who is the subject of this suit from all internet websites, social media, and other publicity platforms within twelve hours of entry of this order, until further order of the Court."

29. This order demanding that Petitioner/Father remove constitutionally protected speech is not supported by evidence or findings that the speech at issue ("all statements by a child who is a subject of this suit, video recordings, audio recordings, and photographs of the children relating to or referring to any outcry of abuse by a child who is the subject of this suit") poses imminent and irreparable harm to the judicial process that would deprive litigants of a just resolution of their dispute, nor that removal of said speech is the least restrictive means to prevent that harm.

30. The Emergency Order For Injunction should be vacated because it enjoins lawful acts. Parents have the right, in general, to post content and images of their children on the internet. Further, Petitioner/Father has a right to post content and images of his children which have become a matter of public interest.

31. Petitioner/Father Michael Long prays the Court grant this Motion and vacate its Emergency Order For Injunction of August 31, 2020 as an unconstitutional prior restraint on his speech protected by both the Federal and Texas constitutions, for failure to be supported by evidence

of actual imminent and irreparable harm to the judicial process that would deprive litigants of a just resolution of their dispute, for a total absence of evidentiary support that it represents the least restrictive means to prevent that harm, and for failure to recite specific findings that would support the above. Petitioner/Father prays for all other and further relief to which he may be entitled at law or in equity.

Motion to Clarify Memorandum Order of September 2, 2020

32. The Memorandum Order issued by the Court on September 2, 2020 recites that there was an agreement made by the parties on August 31, 2020 for the removal of certain speech. *See* Exhibit E.

33. No such agreement was made by Petitioner/Father Michael Long, and the record does not reflect any such agreement.

34. Petitioner/Father Michael Long prays the Court clarify its Memorandum Order of September 2, 2020 to remove the recitation that an agreement for the removal of speech was made, and for all other and further relief to which he may be entitled at law or in equity.

Respectfully submitted,

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Certificate of Service

This is to certify that, pursuant to Rule 21 of the Texas Rules of Civil Procedure, a true and correct copy of the foregoing document has been served upon the below-named individual in the following manner as prescribed by Rule 21(a) of the Texas Rules of Civil Procedure on this the 6th day of September, 2020.

____ Hand Delivery ____ Federal Express ____ Certified Mail, Return Receipt Requested
____ Regular Mail ____ Facsimile __X__ Email __X__ E-Service

LAW OFFICES OF AMBER SHEMESH, P.C.
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By: Sarah Anne Lishman

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Filed: 8/27/2020 11:52 AM
Lynne Finley
District Clerk
Collin County, Texas
By Tatiana Ortega Deputy

EXHIBIT A

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

Envelope ID: 45750432

NO. 417-53803-2020

IN THE INTEREST OF	§	**IN THE DISTRICT COURT**
	§	
S.L, J.L. AND L.L.	§	**417TH JUDICIAL DISTRICT**
	§	
CHILDREN	§	**COLLIN COUNTY, TEXAS**

APPLICATION AND AFFIDAVIT FOR EMERGENCY TEMPORARY RESTRAINING ORDER, TEMPORARY INJUNCTIONS AND FOR FURTHER TEMPORARY ORDERS

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES: Kelly Long, Respondent/Mother and files this Respondent's Application for Emergency Temporary Restraining Order and Injunctions and for Further Temporary Orders against, Michael Long, Petitioner/Father and in support thereof, shows the court the following:

Respondent requests that Petitioner, Michael Long and any agents acting on behalf of Michael Long be temporarily restrained immediately, without hearing, pending the further order of this Court, from doing or causing to be done, directly or indirectly, any of the following acts:

1. Communicating with Respondent or Respondent's family members except through counsel.

2. Threatening Respondent in person, by telephone, or in writing to take unlawful action against any person.

3. Placing one or more telephone calls, anonymously, at any unreasonable hour, in an offensive and repetitious manner, or without a legitimate purpose of communication.

4. Causing bodily injury to Respondent, the children subject of this suit, or Respondent's family.

5. Threatening Respondent, the children or Respondent's family with imminent bodily injury.

6. Coming within 1000 yards of Respondent's residence, place of employment, or the school or daycare facility of the children subject of this suit.

7. Disturbing the peace of the children or of another party.

8. Disrupting or removing the children from the school or childcare facility in which the children are enrolled or approaching the children at any location.

9. Hiding or secreting the children from Respondent.

10. Removing the children from Collin County, Texas or the United States.

11. Posting or publicizing the children, Respondent, Respondent's family or any other parties to this suit on a public platform or on social media.

12. Having any contact with the children subject of this suit.

13. Having any possession of the children subject of this suit.

14. Following, stalking, tracking, harassing Respondent, the children, or Respondent's family in any manner.

As the basis for the extraordinary relief requested below, Respondent would show that before the filing of this application, Petitioner has engaged in the conduct stated in the affidavit and evidence of the posts made attached as **Exhibit "A"** and incorporated by reference for all intents and purposes. Respondent and the children subject of this suit will suffer irreparable harm, damage, and injury unless Respondent is restrained immediately and without notice and hearing from committing the acts described above, because Petitioner is harming both Respondent and the children subject of this suit.

Respondent has no adequate remedy at law for the harm and damage Respondent and the

children have and will suffer as a result of Petitioner's conduct.

ATTORNEY'S FEES AND EXPENSES

It was necessary for Kelly Long to secure the services of AMBER K. SHEMESH, a licensed attorney, to preserve and protect Respondent's rights. Petitioner, Michael Long should be ordered to pay reasonable attorney's fees, expenses, and costs through trial and appeal, and a judgment should be rendered in favor of this attorney and against Petitioner and be ordered paid directly to Respondent's attorney, who may enforce the judgment in the attorney's own name. Respondent requests post judgment interest as allowed by law.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Respondent prays that citation and notice issue as required by law and that the Court enter its orders in accordance with the allegations contained in this application, including the following;

a. Respondent prays that the Court immediately grant an emergency temporary restraining order restraining Petitioner Michael Long in conformity with the allegations of this pleading, from the acts set forth above;

b. Award Respondent all reasonable and necessary costs and attorney's fees for the filing, preparing, and attendance at a hearing on this application by a reasonable date certain; and

c. For any further relief, both general and specific, to protect the children's best interest and to which Respondent may show herself to be justly entitled, and anything else that the Court deems fair and just.

Respectfully submitted,

By: _____

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Attorney for Respondent, Kelly Long

EXHIBIT
A

NO. 417-53803-2020

IN THE INTEREST OF	§	**IN THE DISTRICT COURT**
	§	
S.L, J.L. AND L.L.	§	**417th JUDICIAL DISTRICT**
	§	
MINOR CHILDREN	§	**COLLIN COUNTY, TEXAS**

AFFIDAVIT FOR KELLY LONG

Kelly Long appeared in person before me today and stated under oath:

"My name is Kelly Long. I am above the age of eighteen years, and I am fully competent to make this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

My name is Kelly Long and I am the Respondent/ Mother to Sophie Long, born on September 16, 2010, Jack Long born on November 11, 2011 and Lucas Long born on December 19, 2013. Their Father and Petitioner is Michael Long (hereinafter known as "Michael"). Kourtney Chalmers, (hereinafter known as "Kourtney"), Step-mom of the children.

On August 14, 2020, Michael Long was supposed to meet me in Waco, Texas to exchange the children pursuant to the Court's orders and failed to do so. Michael failed to meet with me in Waco at 6:00PM, he failed to meet me in Waco at all. I drove to his residence where police were waiting and I was able to get possession of our boys, but Michael failed to release Sophie.

On August 18, 2020, Michael Long was supposed to meet me in Waco, Texas to exchange the children pursuant to the Court's orders and failed to do so. Michael arrived at a little before 9:00PM and refused to allow Sophie to come with me and my mother despite the Court's orders. Moreover, he called the police to come claiming in front of our daughter that I

was harming her while attempting to take off her seatbelt.

Michael has a history of failing to follow court orders and causing issues at the last 2 exchanges of the children.

On August 25, 2020 at 6:00PM, my children were finally returned to me. My kids were in the same clothes that I saw them in on Monday, August 24, 2020. When we got home, Jack and Lucas stated that their toes hurt and asked if I could clip their toenails since the last time, they were with me. Sophie has gained so much weight that none of her clothes fits her and she refuses to change the clothes that she has had on since I saw her Monday, August 24. My daughter was given a cell phone by her Father Michael Long, which I was not aware of. I took the phone away from her and turned is off. As soon as I did that, I received a text message from Michael stating that I was further emotionally harming Sophie. Sophie did not stop screaming until 10:00PM and threatened to kill herself if the cell phone was taken away from her.

At this exchange on August 25, 2020, Michael failed to assist in any way with getting Sophie out of his vehicle and exchanging her with me. Moreover, he made the exchange worse. His lack of assistance was extremely harmful to Sophie and the children. Michael was in the police station with the children before I even arrived. I also saw him speaking about the issues of sexual abuse and the false allegations he has claimed in the case to the officers in the presence and hearing of our children, which is extremely harmful to their emotional and mental wellbeing. I am very much in fear that Michael has caused these issues with Sophie and possible other issues with our sons Jack and Lucas and that he is making the situation even worse.

Currently, Sophie is being seen by experts here in Collin County. I fear that her behavior and threats will worsen if she continues communication with Michael at this time. Further, I fear that should Michael have possession of the children, that he will leave the country, as he has

posted on Facebook just that and that he will go to a country where we will not be able to find them. In the very least I fear that Michael will cause more issues by taking Sophie to even more doctors and experts until he gets the answers he wants to hear, and that he will cause scenes at our exchanges.

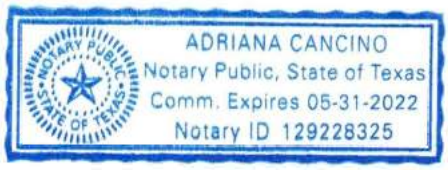
Michael has 2 private investigators or friends or his following me since August 24, 2020, one of these persons was present at the exchange on August 25, 2020. Michael has made several posts previously on Facebook and other public forms and I am terrified of what may happen to me, the children and my mother. I am scared these friends of his may attempt to run me off the road, or cause physical harm to us.

Since the last hearing on August 12, 2020, Michael has not put the children in school, they have all missed their Zoom classes which is deeply disturbing since he has all their school information and was aware that school was in session and that it is in their best interests to attend school The children have not been fed properly in Michael's care.

I believe that my children's mental health and physical well being are at risk if they have any visitation with Michael and that they will endure harm by him both directly and indirectly. Furthermore, they will not have access to education for the next week if they remain in Michael's care, not be properly fed and cleaned. I am worried that Michael will further emotionally damage them if they are forced to go back, I am asking for my children continue to remain with me, continue in their current schools, and get the treatment they need, here in Collin County and that Michael Long be temporarily restrained from having any possession of or access to the children.

Kelly Long

SIGNED under oath before me on August 26, 2020.



Notary Public, State of Texas

Automated Certificate of eService

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Adriana Cancino on behalf of Amber Shemesh
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acancino@shemeshfamilylaw.com
Envelope ID: 45750432
Status as of 8/27/2020 11:59 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Elizabeth A.Nielsen		enielsen@galyen.com	8/27/2020 11:52:56 AM	SENT
Celia Morgan		cmorgan@galyen.com	8/27/2020 11:52:56 AM	SENT
Kim Scroggins		kim@mohrlawfirm.com	8/27/2020 11:52:56 AM	SENT
Taylor Mohr		taylor@mohrlawfirm.com	8/27/2020 11:52:56 AM	SENT
Taylor MMohr		taylor@mohrlawfirm.com	8/27/2020 11:52:56 AM	SENT
Mary Spring		maryspring@mohrlawfirm.com	8/27/2020 11:52:56 AM	SENT

Associated Case Party: Michael Long

Name	BarNumber	Email	TimestampSubmitted	Status
Meredith Mallonee Chacon	24034980	info@ccatxlaw.com	8/27/2020 11:52:56 AM	SENT

Associated Case Party: Kelly Long

Name	BarNumber	Email	TimestampSubmitted	Status
Amber Shemesh		amber@shemeshfamilylaw.com	8/27/2020 11:52:56 AM	SENT
Adriana Cancino		acancino@shemeshfamilylaw.com	8/27/2020 11:52:56 AM	SENT
Alexandra Willen		awillen@shemeshfamilylaw.com	8/27/2020 11:52:56 AM	SENT

EXHIBIT B

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

CAUSE NO. 417-53803-2020

IN THE INTEREST OF	**§**	**IN THE DISTRICT COURT**
	§	
S.L., J.L, AND L.L.,	**§**	**417TH JUDICIAL DISTRICT**
	§	
CHILDREN	**§**	**COLLIN COUNTY, TEXAS**

MOTION TO MODIFY TEMPORARY ORDERS

COMES NOW, Rachel Li, Amicus Attorney, who respectfully requests the Court modify the Temporary Orders. In support, Movant would show the following:

1. On August 19, 2020, the Court appointed Movant as Amicus Attorney to represent the best interest of the children.

2. On August 20, 2020 the Court clarified to the Amicus Attorney, with the consent of counsel for each party, that the children were to be returned to the Respondent, Mother, at 6:00 p.m. on Tuesday, August 25, 2020 at the Frisco Police Department in Frisco, Texas.

3. The Amicus Attorney then took the following actions to determine the best interest of the children:

   a. On August 22, 2020, the Amicus conferenced with the CPS FBSS worker and CPS Investigator, and analyzed documents received from them.

   b. On August 22 and 23, 2020, the Amicus interviewed the Petitioner, Father, Respondent, Mother, Mother's fiancé, and maternal grandmother.

   c. On August 24, 2020 the Amicus attorney interviewed the children and observed the Respondent, Mother with the children.

d. The Amicus Attorney has reviewed the exhibits and documents presented to her by both parties.

4. In interviewing the parties, the children, and the collateral witnesses the Amicus Attorney believes that the children were not adequately cared for while in the possession of the Petitioner, Father. The children did not attend school while in the possession of father, except for one day for a short period of time. The eldest child was subjected to at least five different physicians for examination of sexual abuse during Petitioner, Father's period of extended summer possession. The Court ordered Petitioner Father to return the eldest child to Respondent, Mother on August 18, 2020. The exchange did not occur due to the violent behavior of the child and Petitioner, Father's passive condonement.

5. On August 24, 2020, the child made an unsolicited outcry of sexual and physical abuse to the Amicus. However, the child also reported having been examined by multiple persons and having made outcries of abuse to at least five other people, including one person the night before the interview. The children were previously forensically interviewed by law enforcement or their agents and no outcry of abuse was made but made other statements about Petitioner's care that were extremely concerning. Two of the children appeared to be coached prior to the interviews with the Amicus. During the interview with the child the Amicus determined some statements made by the eldest child were blatantly false, and when confronted, the child admitted to giving false information. Including the number of times the child has been interviewed by medical professionals, social workers, forensic interviewers, and other unknown persons, it is impossible to determine whether the child is being truthful. In addition to all of the reasons herein, observations of the child, and information received from the child is extremely alarming, and the Amicus has concerns for the children's immediate emotional health and safety while in Petitioner,

Father's care.

6. On August 25, 2020 the Amicus observed and assisted in the return of the children from the Petitioner Father to the Respondent Mother at the designated time. The exchange was again met with violent resistance from the eldest child and passive condonement of Petitioner, Father. The child eventually became violent towards the mother and the Amicus, and Respondent Mother had to physically restrain the child. Police officers from the Frisco Police Department were present and did not interfere other than to attempt to calm the child. The younger children were present and observed most of the traumatic exchange of the eldest child. As a result, the Amicus has concerns for the younger children's emotional health and wellbeing.

7. An assessment of the eldest child was conducted by Carrie Wigginton, a licensed social worker, on August 26, 2020. Ms. Wigginton has concerns for the child and has requested that a psychological evaluation be conducted on the child. Counseling with Ms. Wigginton is scheduled for each week for the eldest child.

THEREFORE, the Amicus Attorney requests the following relief:

a. Appointing Respondent, Mother as the conservator with the following exclusive rights:
    i. The exclusive right to consent to medical, dental, and surgical treatment involving invasive procedures.
    ii. The exclusive right to consent to psychiatric and psychological treatment of the children.
    iii. The exclusive right to represent the children in legal action and to make other decisions of substantial legal significance concerning the children.
    iv. The exclusive right to make decisions concerning the children's education.
b. Abating the rights of Petitioner, Father, as follows:

i. The right of access to medical, dental, psychological, and educational records of the children.

ii. The right to consult with a physician, dentist, or psychologist of the child.

iii. The right to consult with school officials concerning the child's welfare and educational status, including school activities.

iv. The right to attend school activities, including school lunches, field trips, and performances.

v. The right to be designated on the children's records as person to be notified in case of emergency.

vi. The right to consent to medical, dental, and surgical treatment during an emergency involving an immediate danger to the health and safety of the child.

vii. The right to consent to medical and dental care not involving an invasive procedure.

c. Ordering a psychological evaluation of the child, Sophie Long, with Dr. Blake Mitchell. Ordering the parents to equally pay the cost of the psychological evaluation by a date certain.

d. Appointing Carrie Wigginton as the counselor for the children, and prohibiting Petitioner, Father, and Respondent Mother from conferring or consulting with the appointed counselor, save and except permitting Respondent, Mother to schedule appointments as required by the counselor.

e. Prohibiting any medical examinations or forensic examinations of the children for sexual or physical abuse unless requested by law enforcement and approved by the Court.

f. Abate all possession and access, and communication (electronic or otherwise) with the children by Petitioner, Father.

g. Ordering Respondent, Mother to enroll in and complete an anger management course with Spero Counseling Services.

h. Ordering Petitioner and Respondent to execute all necessary releases pursuant to the Health Insurance Portability and Accountability Act (HIPAA) and 45 C.F.R. section 164.508 to permit Rachel Li to obtain health care information regarding Petitioner and Respondent.

i. Prohibiting Petitioner, Father and Respondent, Mother from posting videos and photographs of the children on the internet, social media, or other media outlets during the pendency of the case.

j. Ordering Petitioner and Respondent to pay interim attorney's fees to the Amicus Attorney.

Prayer

The Amicus Attorney prays that the Court, in addition to the temporary restraining order and temporary injunction prayed for above, after notice and hearing, enjoining Petitioner and Respondent, in conformity with the allegations of this petition, from the acts set forth above while this case is pending.

The Amicus Attorney prays for attorney's fees, expenses, costs, and interest as requested above.

The Amicus Attorney prays for general relief.

The Amicus Attorney prays that the Court grant this *Motion to Modify Temporary Orders*.

Respectfully submitted,

By:

Rachel Li
Texas Bar No. 24056892

The Law Office of Rachel Li, PLLC
5601 Democracy Dr., Suite 140
Plano, Texas 75074
Tel. & Fax: (214) 616-3684
Service Email: EFS@RachelLiLaw.com
Amicus Attorney

Certificate of Service

I certify that a true copy of this document was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the representative attorney for each party on August 28, 2020.

Rachel Li

Filed: 8/31/2020 12:59 PM
Lynne Finley
District Clerk
Collin County, Texas
By Brittany Jagger Deputy
Envelope ID: 45833222

EXHIBIT C

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

CAUSE NO. 417-53803-2020

IN THE INTEREST OF	**§**	**IN THE DISTRICT COURT**
	§	
S.L., J.L, AND L.L.,	**§**	**417TH JUDICIAL DISTRICT**
	§	
CHILDREN	**§**	**COLLIN COUNTY, TEXAS**

EMERGENCY MOTION FOR INJUNCTION PROHIBITING COMMUNICATIONS OR OTHER DISSEMINATION OF INFORMATION REGARDING THE PARTIES, PARTICIPANTS, AND SUBJECT MATTER OF THIS CASE

COMES NOW, Rachel Li, Amicus Attorney, who respectfully request the Court to issue on an expedited, emergency basis an Injunction Prohibiting Communications or Other Dissemination of Information Regarding the Parties, Children, Participants, and Subject Matter of this Case ("Gag Order") in this case. In support, the Amicus would show the following:

1. A court may issue an injunction against communications concerning a pending lawsuit if, after a hearing to receive evidence, it finds that 1) an imminent and irreparable harm to the judicial process will deprive litigants of a just resolution of their dispute, and 2) judicial action represents the least restrictive means to prevent that harm. *Grigsby v. Coker*, 904 S.W.2d 619, 620 (Tex. 1995); *Davenport v. Garcia*, 834 S.W.2d 4, 10 (Tex. 1992). A Court may issue an order if the actions of a party causes or can cause imminent harm to a child who is the subject of the suit. TEX. FAM. CODE §105.001.

2. The injunction requested by this motion asks the Court to restrain Petitioner, Michael Jon Long.

3. The Court should issue an injunction or "gag order" because imminent and

irreparable harm to the judicial process will deprive the litigants of a just resolution in this case. Petitioner's and/or his agent's statements are meant to incite violence toward Respondent, her fiancé who is the alleged perpetrator of abuse against S.L., the Judge, and the Amicus Attorney. Inciting violence against Respondent while she is in possession of the children places the children in imminent physical harm. Petitioner's website and social media campaign places a chilling effect on any witnesses who would come forward to testify as to the best interest of the child. Petitioner has created a hostile environment in which professionals are reluctant to treat the children in this case because of the likelihood of libel and slander being propagated against them by Petitioner and his agents. Petitioner's libelous statements have placed the children's best interest in danger, tainted the jury pool, and created a danger to the Court and professionals working in the case.

Petitioner, Michael Jon Long and /or his agents, created several videos of the child S.L., and of Respondent, and posted the videos on social media sites. On or about August 27, 2020, Petitioner and/or his agents began posting the following links on social media.

a. https://www.gofundme.com/f/stand-with-sophie

b. https://youtu.be/ddXuuICIHM4

c. https://youtu.be/7Q83Lu-g9Dc

d. https://youtu.be/IYEKYX5hDyo.

Multiple calls to the Department of Family and Protective Services ("DFPS") were made in the last twenty-four hours, and a multitude of calls were placed to the Frisco Police Department.

Petitioner and/or his agents launched a social media campaign posting photographs and videos of S.L., alleging Respondent and Respondent's fiancé (and other unnamed individuals) are sexually and physically abusing the child, and posting the Respondent and Resondent's fiance's full names and home addresses. Agents of Petitioner are calling for people to join protests and a

"manhunt" to bring "justice" to S.L. Some posts go so far as to say that ammunition is available, and that people should protest at Respondent's home. Agents of Petitioner posted the names and addresses of Respondent and her fiancé on social media and called for a protest and a manhunt and offered ammunition for same. Agents of Petitioner posted the name of the attorneys, visiting judge, and amicus attorney on social media, and responses to the posts call for violence and murder against all of those involved.

The child has a right to privacy of her mental health and medical information. It is a violation of the child's privacy for any person to share the child's mental health and medical information, and the sharing of such information over the internet will cause and likely has caused irreparable harm to the child and the other children of this suit.

Petitioner and/or his agents posted libelous statements on social media against employees of DFPS, the amicus attorney, and others in this case. The defamation campaign created by Petitioner and his agents is causing imminent and irreparable harm to the children who are the subjects of this case and to the judicial process, which will deprive the children of a just resolution in this case.

4. The Amicus requests the Court waive the three-day notice requirement of TEXAS RULES OF CIVIL PROCEDURE 21 and hear this matter immediately to protect the health and welfare of the children who are the subjects of this suit.

5. The Court should issue an injunction prohibiting Petitioner and his agents from posting videos and photographs of the children, names and personal information of the parties, witnesses, professionals, attorneys, and judges in the case.

6. The Court should issue an injunction prohibiting Petitioner and his agents from posting comments or language that may cause violence towards a party, witness, professional, attorney, or judge in the case.

7. The Court should issue an order requiring Petitioner and his agents to remove all videos and photographs of the children related to any outcry of abuse by a child who is the subject of this case, and all other orders necessary to protect the children and a just resolution in this case.

The Amicus Attorney prays the Court grant this motion and the relief requested herein. The Amicus Attorney prays for all relief under law and equity. The Amicus Attorney prays for general relief.

Respectfully submitted,

By:

Rachel Li
Texas Bar No. 24056892

The Law Office of Rachel Li, PLLC
5601 Democracy Dr., Suite 140
Plano, Texas 75074
Tel. & Fax: (214) 616-3684
Service Email: EFS@RachelLiLaw.com
Amicus Attorney

Certificate of Service

I certify that a true copy of this document was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the representative attorney for each party on August 30, 2020.

Rachel Li

Automated Certificate of eService

This automated certificate of service was created by the efiling system. The filer served this document via email generated by the efiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Barbara Eide on behalf of Rachel Li
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barbara@rachellilaw.com
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Status as of 8/31/2020 1:14 PM CST

Associated Case Party: Kelly Long

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Amber Shemesh		amber@shemeshfamilylaw.com	8/31/2020 12:59:28 PM	SENT
Adriana Cancino		acancino@shemeshfamilylaw.com	8/31/2020 12:59:28 PM	SENT
Alexandra Willen		awillen@shemeshfamilylaw.com	8/31/2020 12:59:28 PM	SENT

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Kim Scroggins		kim@mohrlawgroup.com	8/31/2020 12:59:28 PM	SENT
Taylor MMohr		taylor@mohrlawfirm.com	8/31/2020 12:59:28 PM	SENT
Mary Spring		maryspring@mohrlawfirm.com	8/31/2020 12:59:28 PM	SENT
Taylor Mohr		taylor@mohrlawgroup.com	8/31/2020 12:59:28 PM	SENT
Elizabeth A.Nielsen		enielsen@galyen.com	8/31/2020 12:59:28 PM	SENT
Celia Morgan		cmorgan@galyen.com	8/31/2020 12:59:28 PM	SENT

Associated Case Party: Michael Long

Name	BarNumber	Email	TimestampSubmitted	Status
Meredith Mallonee Chacon	24034980	info@ccatxlaw.com	8/31/2020 12:59:28 PM	SENT

Associated Case Party: S. L.

Name	BarNumber	Email	TimestampSubmitted	Status
Rachel Li	24056892	efs@rachellilaw.com	8/31/2020 12:59:28 PM	SENT

Filed: 8/31/2020 11:53 AM
Lynne Finley
District Clerk
Collin County, Texas
By Tatiana Ortega Deputy
Envelope ID: 45830040

EXHIBIT D

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

CAUSE NO. 417-53803-2020

IN THE INTEREST OF	§	**IN THE DISTRICT COURT**
	§	
S.L., J.L, AND L.L.,	§	**417TH JUDICIAL DISTRICT**
	§	
CHILDREN	§	**COLLIN COUNTY, TEXAS**

EMERGENCY ORDER FOR INJUNCTION PROHIBITING COMMUNICATIONS OR OTHER DISSEMINATION OF INFORMATION REGARDING THE PARTIES, PARTICIPANTS AND SUBJECT MATTER OF THIS CASE

On this day the Court heard the Amicus Attorney's *Emergency Motion for Injunction Prohibiting Communications or Other Dissemination of Information Regarding the Parties, Children, Participants, and Subject Matter of this Case*.

Whereas, the above numbered and styled cause is currently pending before this District Court of Collin County, Texas.

Upon consideration of the evidence presented and arguments of counsel, the Court GRANTS the motion.

The Court FINDS that Petitioner and his agents have created extensive publicity surrounding this case.

The Court FINDS that the out-of-court statements relating to the investigation and pre-trial matters of this cause pose a serious and imminent threat to the children's emotional health and physical wellbeing, their rights to a fair trial, the ability of the court to maintain a fair and impartial jury, and to the fair administration of justice.

The Court FINDS that Petitioner and/or his agents have created a hostile environment that incites violence against Respondent, the Court, the attorneys, and professionals in the case, which is directly harmful to the children's physical and emotional wellbeing.

The Court FINDS that other, less restrictive means will not adequately protect the children's physical and emotional wellbeing and their rights to a fair trial and impartial jury.

IT IS ORDERED that Michael Jon Long, his attorneys and agents are **RESTRAINED** and **ENJOINED** from the following acts:

1. Posting and/or publicizing videos and photographs of the children, S.L, J.L., and L.L., who are the subjects of this suit, on the internet/world wide web, social media, other media broadcast or publicity platforms, or causing same to be posted or publicized.

2. Posting and/or publicizing statements or language that is intended to intimidate or may cause violence toward a party, witness, professional, attorney, or judicial officers in this case.

3. Posting and/or publicizing the names and personal information of the parties, witnesses, professionals, attorneys, and judicial officers in this suit.

4. Posting and/or publicizing any statement allegedly made by a child related to abuse by any person associated with this suit.

5. Making any libelous or slanderous statement regarding the parties, witnesses, professionals, attorneys, and judicial officers in this suit.

Michael Jon Long, his attorneys and agents are **ORDERED** to remove all statements by a child who is a subject of this suit, video recordings, audio recordings, and photographs of the children related to or referring to any outcry of abuse by a child who is the subject of this suit from all internet websites, social media, and other publicity platforms within twelve hours of entry of

this order, until further order of the Court.

This Order is punishable by contempt.

Signed on August 31, 2020.

Presiding Judge

Automated Certificate of eService

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Barbara Eide on behalf of Rachel Li
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barbara@rachellilaw.com
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Status as of 9/1/2020 8:36 AM CST

Associated Case Party: Michael Long

Name	BarNumber	Email	TimestampSubmitted	Status
Meredith Mallonee Chacon	24034980	info@ccatxlaw.com	8/31/2020 11:53:13 AM	SENT

Associated Case Party: Kelly Long

Name	BarNumber	Email	TimestampSubmitted	Status
Amber Shemesh		amber@shemeshfamilylaw.com	8/31/2020 11:53:13 AM	SENT
Adriana Cancino		acancino@shemeshfamilylaw.com	8/31/2020 11:53:13 AM	SENT
Alexandra Willen		awillen@shemeshfamilylaw.com	8/31/2020 11:53:13 AM	SENT

Case Contacts

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Taylor MMohr		taylor@mohrlawfirm.com	8/31/2020 11:53:13 AM	SENT
Mary Spring		maryspring@mohrlawfirm.com	8/31/2020 11:53:13 AM	SENT
Elizabeth A.Nielsen		enielsen@galyen.com	8/31/2020 11:53:13 AM	SENT
Celia Morgan		cmorgan@galyen.com	8/31/2020 11:53:13 AM	SENT
Taylor Mohr		taylor@mohrlawgroup.com	8/31/2020 11:53:13 AM	SENT

Associated Case Party: S. L.

Name	BarNumber	Email	TimestampSubmitted	Status
Rachel Li	24056892	efs@rachellilaw.com	8/31/2020 11:53:13 AM	SENT

EXHIBIT E

Honorable Cynthia McCrann Wheless
Chairman, Collin County Juvenile Board
417th Judicial District Court
2100 Bloomdale Rd, Suite 30290
McKinney, Texas 75071
972-548-4658
972-424-1460 ext. 4658

Cause No. 417-53803-2020

In the Interest of: S.L., J.L., and L.L.

MEMORANDUM ORDER

The Court makes the following findings:

1. The Court issues the following temporary orders: The Court finds that the children had been with their Father for extended summer visitation prior to the first TRO granted by this Court. The Court now orders that Father receive Zoom visits with his children 15-20 minutes each child or an hour with all three (3) kids every day at a time arranged by the parties through their lawyers, after work so that no conflict with either parent's schedule occurs. Both parents are **ORDERED** not to discuss the litigation or disparage the other parent during these visits. These visits are found to be in the best interest of the children;

2. The verbal order on August 31, 2020, which temporarily sealed the case (sealing/ "gag" order) was vacated and withdrawn on September 1, 2020. All parties were emailed this order on September 1, 2020;

3. The Temporary Orders heard on August 20, 2020, enjoined (prohibited) Jacob Bellington, to be in the presence of the children subject of this suit. To be clear, the Court **ORDERS absolutely no contact** with mother's boyfriend, Jacob Bellington, **or** any other unrelated male to be around these children;

4. Both parties agreed on record during the August 31, 2020, hearing, to remove all video, audio and name identification containing the children subject of this suit, from all platforms and social media. The Court order on August 31, 2020, did not seek to shut down, control, manage or seize any account, including GoFundMe, Facebook Groups, Facebook, Twitter, TikTok, YouTube or any other platform. The Court order solely sought to protect the children's identity via audio/video;

5. The Court is presently reviewing all previous records from prior hearings, all pleadings and briefings, as well as the transferred records from Comal County, Texas, CAUSE NUMBER C2015-0238D, styled in THE MATTER OF THE MARRIAGE OF MICHAEL LONG AND KELLY LONG AND IN THE INTEREST OF S.A.L., J.L.L., AND L.A.L. , CHILDREN.

6. ***All email correspondence relating to pending cases will be filed with the District Clerk for inclusion in the record of the case. Any communication to the Court or staff via email must comply with Rules 21 and 21a, T.R.C.P., and to do so by the fastest means available to the other affected parties or counsel. The provisions of Canon 3B.(8) of the Code of Judicial Conduct should be carefully reviewed before any person connected with a case attempts any*** **communication with the judge or court personnel.**

7. **THIS CASE HAS BEEN SET FOR A TRIAL BEFORE THE COURT ON NOVEMBER 4 and NOVEMBER 5, 2020, AT 9:00 AM.**

Any other matters in the last TRO will be taken up at the hearing as scheduled on these matters on Thursday, September 3, 2020.

Signed this 2nd day of September, 2020.

_____

Cynthia M Wheless,
Judge Presiding

Automated Certificate of eService

This automated certificate of service was created by the efiling system. The filer served this document via email generated by the efiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

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Associated Case Party: Michael Long

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Jamie Lynn Heggy Graham	24027335	jamie@jamiegrahamlaw.com	9/6/2020 3:28:56 PM	SENT
Michael Long		rightrocks444@gmail.com	9/6/2020 3:28:56 PM	SENT
Sarah AnneLishman		sarahannelishman@gmail.com	9/6/2020 3:28:56 PM	SENT

Associated Case Party: Kelly Long

Name	BarNumber	Email	TimestampSubmitted	Status
Amber Shemesh		amber@shemeshfamilylaw.com	9/6/2020 3:28:56 PM	SENT
Adriana Cancino		acancino@shemeshfamilylaw.com	9/6/2020 3:28:56 PM	SENT
David Routzon		david@routzonlaw.com	9/6/2020 3:28:56 PM	SENT
Alexandra Willen		awillen@shemeshfamilylaw.com	9/6/2020 3:28:56 PM	SENT